

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re: MERRILL LYNCH & CO., INC., :
SECURITIES, DERIVATIVE AND ERISA :
LITIGATION :
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Master File No.:
07 Civ. 9633 (JSR)

PERTAINS TO *Louisiana Sheriffs'*
Pension and Relief Fund v. Conway,
08 Civ. 9063

ORDER

JED S. RAKOFF, U.S.D.J.

At oral argument on the pending motions to dismiss the Complaint held on February 19, 2009 in the above-captioned matter, the Court scheduled several dates with respect to the anticipated Amended Complaint and associated motions to dismiss. Specifically:

(1) By February 27, 2009, the Court will issue a short order (with opinion to follow in due course) stating whether the averments set forth in the instant Complaint sufficiently sound in fraud as to be subject to the requirements of Fed. R. Civ. P. Rule 9(b);

(2) Any Amended Complaint must be filed by March 13, 2009;

(3) Defendants' papers in support of any motion to dismiss any Amended Complaint (which may incorporate by reference defendants' papers in support of its motion to dismiss the current Complaint) must be filed by March 27, 2009;

(4) Plaintiffs' answering papers in opposition to any motion by defendants to dismiss the Amended Complaint (which may incorporate by reference plaintiffs' papers in opposition to defendants' motion to dismiss the current Complaint) must be filed by April 10, 2009;

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(5) No reply papers will be permitted but the Court will hear oral argument on any motion to dismiss the Amended Complaint on April 20, 2009 [but see below]; and

(6) By April 30, 2009, the Court will issue a "bottom line" ruling on any motion to dismiss the Amended Complaint with opinion to follow in due course.

However, as to item #5 above, the Court has now identified a conflict requiring it to move the oral argument to Thursday, April 23, 2009 at 4:00 PM. All other dates remain in place.

SO ORDERED.



JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
February 23, 2009